

1 DAVID Z. CHESNOFF, ESQ.
2 Nevada Bar No. 2292
3 RICHARD A. SCHONFELD, ESQ.
4 Nevada Bar No. 6815
5 CHESNOFF & SCHONFELD
6 520 South Fourth Street
Las Vegas, Nevada 89101
Telephone: (702) 384-5563
Attorneys for Defendant, *David Oancea*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

* * * *

9 **UNITED STATES OF AMERICA**)
10)
11 Plaintiff,)) 2:17-CR-00116-JAD-CWH
12)
v.)
13 **DAVID OANCEA,**)) **DAVID OANCEA'S SENTENCING**
14)) **MEMORANDUM**
15 Defendant.)
16 _____)

16 COMES NOW the Defendant, DAVID OANCEA, by and through his undersigned attorneys
17 of record, David Z. Chesnoff, Esq., and Richard A. Schonfeld, Esq., and hereby submits to this
18 Honorable Court his Sentencing Memorandum. Defendant Oancea is respectfully requesting that
19 this Honorable Court sentence him to a term of 3 years of probation with standard conditions, a fine
20 of \$1,000, community service between 40 and 80 hours, and permission to travel to Mexico where
21 the Defendant has several substantial real estate development projects¹.
22

23 Defendant Oancea has already agreed to forfeit \$551,318.20 that is in the government's
24 possession.
25

27 ¹It is anticipated that the Government will not oppose the request that Mr. Oancea be permitted
28 to travel to Mexico. Mr. Oancea has been traveling to Mexico, with the Court's permission, while
on Pretrial Supervision.

This motion is based upon the instant motion, the attached statement of facts and memorandum of points and authorities in support of this motion, the records and files in this action, and any and all other matters that may be presented prior to or at the time of the hearing.

DATED this 29th day of April, 2019.

RESPECTFULLY SUBMITTED:

By: /s/ Richard A. Schonfeld, Esq.

David Z. Chesnoff, Esq.

Richard A. Schonfeld, Esq.

Attorneys for Defendant

David Oancea

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

1. Procedural History:

Mr. Oancea made his initial appearance in this case on April 19, 2017. Since that time, which is two years ago, Mr. Oancea has been on supervision with United States Pretrial Services. Mr. Oancea has acted in an exemplary manner with no violations being lodged against him.

On January 28, 2019, Mr. Oancea pled guilty to the misdemeanor offense of causing a violation of record keeping and procedures. Mr. Oancea's adjusted offense level is 4 and his criminal history category is I.

2. Mr. Qancea's Background:

Mr. Oancea is 42 years old and self employed. He is not married and does not have children. Mr. Oancea came from a loving family with both of his parents now living in Las Vegas where they continue to have a strong family bond.

Mr. Oancea is engaged in two business ventures. Mr. Oancea has a sports information consulting business and also owns and develops property in Cabo San Lucas, Mexico.

As far as the property in Cabo San Lucas, Mexico, Mr. Oancea first purchased property in 2016. The property is a villa that sleeps up to 20 people. Mr. Oancea rents the property out as a short term vacation rental. The home is rented approximately 50% of the year. As a result, there is wear and tear on the villa. Mr. Oancea travels to Mexico to make sure that the villa is maintained, repaired, and to make decisions on any aspects of upkeep/improvements. Mr. Oancea purchased the villa for approximately \$1,050,000 USD. Accordingly, this is a considerable investment. See Exhibit A.

1 Mr. Oancea's other purchase in Cabo San Lucas, Mexico, was for two vacant lots of land
2 next to the villa. Mr. Oancea purchased the land in October of 2018 at a price of approximately
3 \$425,000. Mr. Oancea then hired architects and builders to develop the land so that he can use the
4 properties for luxury vacation rentals. The entire building process will take up to three years as the
5 homes will be a total of 15,000 square feet along with a large swimming pool and other developed
6 resort style amenities. As a result of the considerable construction, this project utilizes a
7 considerable amount of Mr. Oancea's time. Mr. Oancea meets with the construction team, directs
8 the construction team as to design, and monitors that the construction is consistent with the plans.
9 This property will also be a significant business resource for Mr. Oancea. See Exhibit B.

10 Finally, Mr. Oancea purchased four vacant lots of land 40 minutes outside of Cabo San
11 Lucas, Mexico. This land was purchased in July of 2018 and will be the site for a future home
12 located in a beach area. Mr. Oancea has just begun working with an architect on the blue prints for
13 this home. See Exhibit C.

14 Mr. Oancea was granted permission from this Honorable Court to travel to Mexico for
15 business purposes. Mr. Oancea has been traveling to Mexico on a monthly basis, with permission
16 from his pretrial officer, with no issue.

17 As reflected in the PSR, since the time that Mr. Oancea first appeared in court on this case to
18 the present he voluntarily ceased his gambling activity, he re-focused his attention to new business
19 ventures, and he became more focused on a healthy family relationship. Mr. Oancea has been
20 successful in those efforts.

21 Mr. Oancea submits the attached letters of reference/support to the Court for consideration:
22 **Exhibit D:** Letter from Edward F. Follis. This letter explains that Mr. Follis, who is a retired federal
23 agent and also served in the United States Marines, has known Mr. Oancea for approximately two
24

1 years. He expresses that during that two year period he has personally observed the change in Mr.
2 Oancea's lifestyle. He states that Mr. Oancea's "behavior, business practices, and treatment of
3 family have been exemplary..." Mr. Follis further provides that he is confident that Mr. Oancea will
4 abide by any conditions imposed by the Court. The letter further reflects Mr. Oancea's
5 acknowledgment of the impact that his conduct has had on people in his life.

6 **Exhibit E:** In addition to the character letters given in support of Mr. Oancea, Mr. Oancea has
7 demonstrated his good character by giving back to the community. While Mr. Oancea generally
8 contributes anonymously, Exhibit E is an article that discusses Mr. Oancea donating funeral
9 expenses to a stranger's family when he heard that they could not afford the funeral expenses.

10 **Exhibit F:** Letter from attorney Ismail Amin. This letter explains that Mr. Amin has observed David
11 Oancea's growth as a person over the last several years. The letter also outlines some of the
12 charitable and community contributions that Mr. Oancea makes in Las Vegas. The letter further
13 outlines that David has become a productive member of our community and is the sole support for
14 his two elderly parents. The letter concludes that Mr. Oancea has a bright future and will continue to
15 be an asset to our community.

16 **3. Sentencing Justification:**

17 It is clear that Mr. Oancea has fully accepted responsibility for his conduct and has
18 demonstrated that he can be a productive member of our community.

19 The advisory Guidelines are one factor among several that sentencing courts must consider in
20 fashioning a sentence that is "sufficient but not greater than necessary" to achieve the purposes of
21 sentencing set forth in 18 U.S.C. §3553(a)(2). Under U.S.C. §3553(a) the key requirement is that the
22 sentence in each case be sufficient, but not greater than necessary: a) to reflect the seriousness of the
23 offense, to promote respect for the law, and to provide just punishment for the offense; b) to afford
24

1 adequate deterrence to criminal conduct; c) to protect the public from further crimes of the
2 defendant; and d) to provide the defendant with needed educational or vocational training, medical
3 care, or other correctional treatment in the most effective manner.
4

5 In determining whether the sentence is minimally sufficient to comply with the §3553(a)(2)
6 purposes of sentencing, the court must consider several factors listed in other subsections of
7 §3553(a). These factors are: 1) the nature and circumstances of the offense and the history and
8 characteristics of the defendant; 2) the kind of sentences available; 3) the advisory guidelines and
9 policy statement issued by the sentencing commission; 4) the need to avoid unwarranted sentencing
10 disparities among defendants with similar records who have been found guilty of similar conduct;
11 and 5) the need to provide restitution to the victims of the offense. See, *United States v. Galvez-*
12 *Barrios*, 355 F.Supp. 2d 958, 960 (E.D. Wis. 2005).

13 Here, Mr. Oancea has a lack of significant criminal history, is gainfully employed, has fully
14 complied with the conditions of his pretrial supervision, has positively altered his lifestyle while on
15 pretrial supervision, has forfeited a substantial amount of money, has expressed his remorse and
16 acceptance of responsibility, and has clearly learned from his misconduct.

17 All of the factors outlined in 18 U.S.C. §3553 support the sentence that is being requested by
18 Mr. Oancea herein.

19 DATED this 29th day of April, 2019.
20

21 RESPECTFULLY SUBMITTED:
22

23 By: /s/ Richard A. Schonfeld, Esq.
24 DAVID Z. CHESNOFF, ESQ.
25 RICHARD A. SCHONFELD, ESQ.
26 Attorneys for Defendant
27 DAVID OANCEA
28

CERTIFICATE OF ELECTRONIC SERVICE

- The undersigned hereby certifies that she is an employee of the law office of Chesnoff & Schonfeld and is person of such age and discretion as to be competent to serve papers. That on April 29, 2019, she served an electronic copy of the above and foregoing **DAVID OANCEA'S SENTENCING MEMORANDUM** by electronic service (ECF) to all persons listed on the ECF filing list.

Rosemary Reyes,
Employee of Chesnoff & Schonfeld